

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

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ROBERT OTIS BURKE,	:	
Plaintiff,	:	
	:	
v.	:	No. 5:22-cv-3464
	:	
ETHAN BARR, et al.,	:	
Defendants.	:	

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**ORDER**

**AND NOW**, this 19<sup>th</sup> day of March, 2025, for the reasons set forth in the Opinion issued this date, Defendants' Motion for Summary Judgment, *see* ECF No. 68, is **GRANTED** in part and **DENIED** in part as follows. **IT IS HEREBY ORDERED THAT:**

1. With regard to the claims against Corrections Officer Keith Mitchell:
  - a. Summary Judgment is **GRANTED** on the claim for Intentional Infliction of Emotional Distress;
  - b. Summary Judgment is **DENIED** on the claims for Excessive Force, Assault, and Battery;
2. With regard to the claims against Corrections Officer Ethan Barr:
  - a. Summary Judgment is **GRANTED** on the claim for Excessive Force, Assault, and Battery;
  - b. Summary Judgment is **DENIED** on the claim for Retaliation;

3. Summary Judgment is **GRANTED** with regard to the claim for Retaliation against Sergeant Fischer. The Clerk of Court is **DIRECTED** to terminate Sergeant Michael Fischer as a Defendant in this matter.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.

JOSEPH F. LEESON, JR.

United States District Judge